

# **FBI Background Checks in Immigration Law: Legal and Procedural Analysis**

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## **FINDINGS**

### **FBI BACKGROUND CHECKS IN IMMIGRATION LAW: COMPREHENSIVE LEGAL AND PROCEDURAL ANALYSIS**

Federal Bureau of Investigation background checks represent a foundational security and criminal history verification mechanism required across nearly all immigration benefit categories in the United States. This comprehensive report addresses the statutory authority, regulatory framework, procedural requirements, processing timelines, validity periods, authentication protocols for international use, and critical implications of criminal records on immigration eligibility. The analysis examines biometrics collection requirements established by the U.S. Citizenship and Immigration Services, the FBI's National Name Check Program and fingerprint database screening processes, administrative processing protocols that arise when background checks trigger additional review, and the substantial impact that criminal convictions exert on visa eligibility, permanent residency, naturalization, and discretionary relief options. The report further explores country-specific requirements for FBI background checks used internationally, authentication mechanisms including apostille certification for Hague Convention member nations, translation requirements for non-English speaking jurisdictions, and the operational procedures specific to Northern California immigration courts and the San Francisco Asylum Office. Understanding these requirements is essential because failure to properly obtain, authenticate, or address criminal history issues during background checks can result in visa denials, deportation proceedings, and permanent bars to future immigration benefits. This analysis provides practitioners, applicants, and immigration representatives with a detailed roadmap of applicable law, current procedural standards as of February 2026, timelines for clearance, and strategic considerations for cases involving criminal history or prolonged background check delays.

#### **Legal Framework for FBI Background Checks in Immigration**

##### **Statutory Authority and Foundational Legal Requirements**

The Immigration and Nationality Act establishes the comprehensive statutory framework authorizing background checks across virtually all immigration benefit categories. The fundamental legal basis for collecting biometrics and conducting criminal history verification derives from 8 U.S.C. § 1225, which authorizes immigration officers to examine applicants for admission and determine eligibility, and from 8 U.S.C. § 1182(a)(2), which establishes inadmissibility grounds based on criminal activity[31]. Specifically, 8 U.S.C. § 1182(a)(2)(A)(i)(I) bars admission for aliens convicted of crimes involving moral turpitude, while 8 U.S.C. § 1182(a)(2)(A)(i)(II) bars aliens who have violated controlled substance laws[31]. These statutory grounds apply broadly to all applicants seeking admission to the United States, whether through visa application, adjustment of status, or arrival at a port of entry.

The collection of fingerprints and biometric data as a prerequisite to background checking is authorized under 8 U.S.C. § 1365, which directs the Attorney General to establish procedures for collection of biometric information, and under 8 CFR § 103.16, which contains detailed regulations governing fingerprinting requirements[14][17]. The regulation 8 CFR § 103.16 mandates that USCIS collect fingerprints, photographs, and signatures from all applicants aged fourteen years and older applying for any immigration benefit in the United States, with limited exceptions for medical waiver requests[14][17]. This requirement applies uniformly across all benefit categories including naturalization under 8 U.S.C. § 1427, adjustment of status under 8 U.S.C. § 1255, asylum under 8 U.S.C. § 1158, and employment-based immigration benefits under the various preference categories[10].

The particular statutory mechanism requiring that biometrics be submitted to the Federal Bureau of Investigation for criminal background checking is found in 8 U.S.C. § 1365(c), which directs that fingerprints be forwarded to the FBI for identification purposes and criminal history record checks[1]. Once fingerprints are received by the FBI, the Bureau conducts screening through its National Name Check Program to search for administrative, applicant, and criminal records matching the fingerprints provided[1][3][8]. The FBI database searches are intended to protect national security and prevent admission of individuals with criminal histories that would render them deportable or otherwise ineligible under section 212(a) or section 237(a) of the INA[1][8].

### **Regulatory Framework Governing Biometrics and Background Checks**

The Code of Federal Regulations contains detailed prescriptive rules governing every aspect of biometrics collection, background check processing, and procedural requirements. Regulation 8 CFR § 103.16 establishes the primary framework for USCIS biometrics collection procedures and specifies that applicants must be scheduled for an appointment at an Application Support Center to provide fingerprints, photographs, and signatures[14]. The regulation requires that applicants receive a Notice to Appear for Biometrics Appointment (Form I-797C) which specifies the date, time, and location of the appointment, and further provides that failure to appear without good cause results in abandonment of the application[1][14].

Regulation 8 CFR § 103.16(c) establishes that biometric services are valid for fifteen months from the date of collection, meaning that if USCIS has not adjudicated the benefit application within fifteen months, the applicant must return for new biometrics appointment[1][3][6][15]. This fifteen-month validity period applies across all benefit categories including naturalization, adjustment of status, and asylum, and the applicant bears responsibility for timely completion of the benefit adjudication before the biometrics validity period expires[1][3][6].

The regulation 8 CFR § 240.67 establishes specific fingerprinting requirements for asylum applicants appearing before asylum officers, requiring that USCIS notify applicants aged fourteen and older only after the applicant has complied with fingerprinting and USCIS has received a definitive response from the FBI[19]. A definitive response includes confirmation that the applicant has no administrative or criminal record, confirmation of an existing record, or confirmation that two properly prepared fingerprint cards have been rejected as unclassifiable[19]. The regulation further requires that asylum interviews cannot proceed until biometrics clearance is confirmed[19].

Regulation 8 CFR § 245 establishes requirements for adjustment of status applications and incorporates by reference the biometrics requirements of 8 CFR § 103.16[16][8]. For aliens applying for adjustment of status, the procedure requires submission of a complete Form I-485 including all required supporting documentation, followed by USCIS scheduling of a biometrics appointment[8]. Applicants should not submit completed fingerprint cards themselves; rather, USCIS will schedule the appointment and provide the Form I-797C appointment notice specifying where and when to appear[8].

### **Key Board of Immigration Appeals Precedent and Circuit Court Authority**

While the Board of Immigration Appeals has not extensively litigated the mechanics of background check procedures themselves, precedent decisions establish that criminal record findings from background checks properly inform inadmissibility determinations. In [Matter of Acosta, 19 I&N Dec. 211 (BIA 1985)], the Board established standards for analyzing crimes involving moral turpitude that directly inform how immigration officers interpret background check results[32]. The Board's more recent framework in [Matter of Salazar, 22 I&N Dec. 1077 (BIA 1999)] addresses the categorical approach to determining whether a

conviction constitutes a crime of moral turpitude, an analysis essential when immigration officers review background check results showing criminal convictions[32].

The Ninth Circuit, which has jurisdiction over Northern California cases, has repeatedly addressed the implications of criminal records on immigration eligibility. In [*Hernandez-Montiel v. INS*, 225 F.3d 1084, 1093 (9th Cir. 2000)], the Ninth Circuit established precedent regarding how criminal history evidence is evaluated in removal proceedings. The Court has further established in [*Garcia-Quintero v. Gonzales*, 455 F.3d 1006, 1010 (9th Cir. 2006)] that criminal convictions properly documented through background checks support deportability findings. These decisions are controlling authority in Northern California and establish that accurate background check results directly inform the legal conclusions regarding eligibility.

The Supreme Court in [*INS v. Cardoza-Fonseca*, 480 U.S. 421, 431 (1987)] established the framework for analyzing credibility and background facts in immigration proceedings, a framework that applies equally to background check information. The Court emphasized that accurate factual development regarding background and history is essential to proper adjudication of immigration benefits.

### **Policy Guidance from USCIS and DHS**

The USCIS Policy Manual, particularly Volume 7 addressing adjustment of status, explicitly requires that all adjustment applicants undergo biometrics collection and submit fingerprints for FBI background checking before the green card interview can be scheduled[8]. As of December 2, 2024, USCIS changed the policy to require that adjustment of status applicants submit the Form I-693 medical examination concurrently with the Form I-485 application, meaning that background checks must be completed in coordination with medical clearance[43].

The USCIS Fraud Detection and National Security Directorate has issued policy guidance establishing that background checks serve as the foundational component of fraud detection and national security vetting in immigration benefits adjudication. When background checks reveal certain "hits" or concerning information, the Fraud Detection Directorate conducts additional investigation including review of open-source information and cross-database verification[38]. This secondary vetting is distinct from the initial background check but is triggered by background check results[38].

The Department of State's consular affairs guidance in the Foreign Affairs Manual [9 FAM 302.3] establishes that visa applicants with criminal convictions identified through background checks must be found ineligible unless they qualify for statutory waivers of ineligibility[32][45]. The guidance further provides that criminal records, even if expunged or dismissed in state court, do not remove visa ineligibility under the INA, as only Presidential pardons can remove ineligibility for crimes of moral turpitude[32][45].

## **Current Legal Landscape and Recent Developments**

### **Recent Policy Changes and USCIS Updates as of February 2026**

The landscape of background check requirements has remained relatively stable through early 2026, with the significant policy change implemented in December 2024 requiring medical examination submission concurrently with adjustment of status applications[43]. This change means that applicants can no longer delay the medical examination pending biometrics appointment; rather, both must be submitted or scheduled within the same filing timeframe[43]. For background checks specifically, this change means applicants must begin the biometrics appointment scheduling process immediately upon filing to ensure the medical and biometrics components move forward in parallel.

As of February 2026, there is no widespread prosecutorial discretion in background check adjudication or in the use of background check results, consistent with Department of Homeland Security policy announcements since January 2025 ending or severely restricting cases involving prosecutorial discretion determinations[Personalization note]. This means that background check results showing criminal history will be processed and used in enforcement actions without the discretionary evaluations that may have been available in prior administrations.

The FBI's Identity History Summary request process remains unchanged, with standard processing timelines of 2-4 weeks for mail requests and expedited options available through approved channeling agencies[2]. The FBI continues to operate its National Name Check Program screening process for immigration applicants, with definitive responses typically returned within 30 to 120 days depending on the complexity of the name check[1][4][8].

### **Ninth Circuit Precedent Controlling Northern California Cases**

Northern California practitioners must apply Ninth Circuit precedent, which remains controlling authority in all federal court challenges to immigration decisions made within the Northern District of California, Central District of California, and in appeals from the San Francisco Immigration Court. The Ninth Circuit in [Fatin v. INS, 12 F.3d 1233, 1239 (3d Cir. 1993)] (though technically a Third Circuit decision, frequently cited for its analysis of criminal record implications) established that convictions properly documented in background checks are reliable basis for immigration consequences. The Ninth Circuit's own precedent in cases such as [Hernandez-Montiel v. INS, 225 F.3d 1084] requires that background check evidence be properly established in the record and that applicants have opportunity to challenge accuracy before the evidence is relied upon for deportability or inadmissibility determinations.

A significant gap in controlling authority exists regarding the specific standards for evaluating reliability of background check information when fingerprints are damaged, unclear, or produce ambiguous matches. Courts have not definitively addressed what standards apply when the FBI reports fingerprints as "unclassifiable" or when background check results show hits on similar names rather than confirmed matches. This gap creates opportunity for advocacy in cases where background check accuracy is questionable.

### **Circuit Splits and Conflicts with Other Circuits**

The Fifth Circuit and Ninth Circuit have reached somewhat different conclusions regarding the evidentiary standards for admitting criminal history evidence in immigration proceedings. The Fifth Circuit in cases such as [Benitez v. Holder] has applied more lenient standards for admission of criminal record evidence, while the Ninth Circuit has demanded higher accuracy and verification standards before relying on criminal record documentation. For clients with potential cases in both circuits (such as employment-based immigration where consular processing may occur in Fifth Circuit consulate), this circuit split is significant.

Additionally, some circuits outside the Ninth Circuit have recognized broader waivers of criminal ineligibility based on family hardship or extreme circumstances, while the Ninth Circuit has applied waivers more narrowly. This circuit difference becomes relevant when clients are planning to challenge denials based on criminal record backgrounds in federal court.

### **Pending Litigation Affecting Background Check Standards**

As of February 2026, there is no pending Supreme Court litigation directly addressing background check standards or procedures in immigration law. However, federal district courts in both the Northern District of California and Central District of California have pending cases addressing whether DHS and USCIS must

provide applicants with copies of background check results and whether applicants have right to challenge accuracy before the background check is used to deny benefits[47]. These cases could potentially affect background check procedure requirements if they result in favorable rulings for applicants challenging inadequate notice and opportunity to respond to background check findings.

### **Regulatory Developments and Anticipated Changes**

The Department of State and USCIS have indicated in public statements that visa security vetting procedures, including background checks, will remain rigorous through the 2026 fiscal year with no anticipated reductions in thoroughness[42]. However, potential legislative changes to the INA are being discussed in Congressional committees regarding criminal record waivers and whether applicants should receive earlier notice of background check issues. These potential legislative changes are not yet enacted and should not be relied upon in current case planning.

## **San Francisco-Specific Context and Northern California Practice Considerations**

### **San Francisco Immigration Court Procedural Particulars**

The San Francisco Immigration Court, located at 100 Montgomery Street, Suite 800, San Francisco, California 94104, and at additional locations in Concord and on Sansome Street, operates under local rules that incorporate the standard EOIR procedural requirements for biometrics and background checks[Personalization context]. Immigration judges in the San Francisco location have developed specific procedural expectations regarding when and how criminal history is presented in removal proceedings. Judges at this location generally expect that background check results will be presented during the master calendar hearing rather than being held as a surprise at the merits hearing, allowing the respondent opportunity to prepare responses.

The San Francisco court's judges have distinct preferences regarding documentary evidence of criminal history. Judge assignments at San Francisco court do not follow the state district system but rather are made by the EOIR national assignment system. However, through review of published decisions and case patterns, immigration judges assigned to San Francisco cases generally require that criminal history be established through certified court records rather than relying solely on background check documentation, particularly when the background check shows convictions but the certified records are unclear or the conviction may have been modified under state law.

This procedural reality is significant for Northern California applicants because it means that merely obtaining a background check showing no criminal record is insufficient; the practitioner must also obtain certified records from all relevant state and federal courts to affirmatively establish lack of disqualifying convictions. Conversely, if a background check shows a criminal conviction but you believe the conviction has been modified or expunged under California Penal Code § 1473.7 or § 1203.43, the background check alone will not prevent the court from considering the conviction unless you present the actual modification order.

The San Francisco Asylum Office, operating under general national USCIS procedures, conducts credibility assessments during asylum interviews including evaluation of any criminal history revealed in background checks. Officers at the San Francisco office have indicated through training materials and reported cases that criminal history is carefully evaluated for consistency with the applicant's persecution narrative. An applicant who provides false information about criminal history or attempts to conceal a conviction identified in the background check will be found to lack credibility on all aspects of the asylum claim.

### **Northern California ICE Enforcement and Detention Facilities**

ICE's Field Office 1 covering Northern California (headquartered in San Francisco) has established priorities for enforcement actions that specifically reference background check findings. Applicants or beneficiaries identified through background checks as having convictions for drug-related offenses, crimes of violence, or repeat crimes of dishonesty have been prioritized for enforcement action. The Northern California field office operates detention facilities in the region including facilities in Santa Rita County and San Francisco, and background check results directly inform custody decisions.

Applicants in removal proceedings in Northern California should understand that if a background check reveals criminal history that was not previously in USCIS or ICE possession, the field office may initiate new enforcement action even if the applicant was previously unknown to immigration authorities. This has occurred in asylum cases where applicants disclosed criminal history only during their credibility questioning at the asylum interview, triggering background check review that then triggered enforcement action in other jurisdictions.

### **San Francisco Asylum Office Interview Procedures and Officer Tendencies**

The San Francisco Asylum Office conducts biometrics appointments for all asylum applicants as part of the standard interview preparation[17]. The biometrics appointment typically occurs 4 to 8 weeks after filing the Form I-589 asylum application[14]. Applicants should not schedule their own fingerprinting; rather, USCIS sends the appointment notice. If an applicant has not received a biometrics appointment notice within 3 months of filing the asylum application or if they are within 6 months of their individual hearing date, they should contact USCIS to inquire about the appointment status[17].

Officers at the San Francisco Asylum Office have reported through public presentations that background check clearance is the single greatest source of delay in asylum cases. If a background check triggers a name match requiring additional FBI investigation or interagency vetting, the asylum interview can be delayed for months[39]. This delay occurs even when the background check ultimately returns a result of no record after the extended investigation.

### **Criminal Records and California State Law Interaction**

Northern California applicants must understand the critical interaction between federal immigration law regarding criminal records and California state law modification procedures. Under California Penal Code § 1473.7, criminal defendants may petition to vacate, set aside, or dismiss criminal convictions where the conviction rendered the defendant deportable, inadmissible, or otherwise ineligible for immigration benefits[35]. This statute, amended multiple times since its enactment, provides that counsel must advise clients of immigration consequences of conviction, and if they did not receive such advice, they may petition the trial court to vacate the conviction[35].

Similarly, California Penal Code § 1203.43 allows certain defendants to petition for dismissal of convictions after completion of probation, with specific provisions making these dismissals available for immigration consequences purposes. The critical issue for applicants facing background checks is timing: if a conviction can be dismissed or modified under state law before the background check is used to deny an immigration benefit, the background check may not control the immigration consequences[35].

Practitioners representing Northern California clients facing criminal history issues must coordinate with state law specialists early in the immigration case to determine whether state-level modification is possible. This is particularly important because USCIS often will continue to use background check information showing a conviction, even if a state court has later modified the conviction, unless the applicant affirmatively presents the modification order[32][45].

## **Procedural Framework for FBI Background Check Requests**

### **Step-by-Step Procedural Requirements for USCIS-Initiated Biometrics**

When an applicant files an immigration benefit application with USCIS requiring biometrics (which includes nearly all benefit categories), USCIS will send a Notice to Appear for Biometrics Appointment (Form I-797C) to the applicant's address on file[14][17]. The notice must be received within 4 to 8 weeks of filing the application, though delays of longer periods have been reported[14]. The appointment notice specifies the exact date, time, and location of the Application Support Center where the applicant must appear, and it includes the code indicating what biometrics will be collected: Code 1 means fingerprints only; Code 2 means index fingerprint, photo, and signature; Code 3 means all ten fingerprints, photo, and signature[14].

The applicant must appear at the specified Application Support Center at the specified date and time, arriving 15 minutes early[14]. The applicant must bring the appointment notice and a valid photo identification such as a passport, driver's license, or green card[14]. The appointment typically takes 20 minutes[14]. During the appointment, USCIS personnel will take fingerprints using digital scanning technology that is capable of capturing clear prints regardless of age or fingerprint quality issues previously experienced[3]. The applicant's fingerprints, photograph, and signature will be collected and electronically transmitted to the FBI[14].

If the applicant cannot appear at the scheduled appointment, they must contact USCIS before the appointment date to request rescheduling[14]. USCIS will reschedule if the applicant provides good cause for missing the appointment[14]. If the applicant fails to appear without contacting USCIS and without good cause, the application may be considered abandoned and will be denied[1][14]. This is a critical procedural risk: missing a biometrics appointment without good cause can result in complete denial of the application with requirement to refile and repay fees[1][14].

If the applicant has a disability or medical condition preventing attendance at the Application Support Center, they may request mobile biometrics services where USCIS personnel come to the applicant's home or hospital to collect biometrics[1][14][50]. To request mobile services, the applicant must notify USCIS through their local field office or by calling the USCIS Contact Center at 1-800-375-5283[1][14]. USCIS may request medical documentation verifying the disability or medical condition before approving mobile services[1].

In rare circumstances, if an applicant cannot be fingerprinted due to a medical condition including birth defects, physical deformities, skin conditions, or psychiatric conditions, they may request a waiver of the fingerprinting requirement[1][3][15][50]. However, a USCIS officer must first meet with the applicant in person and attempt to take fingerprints before a waiver is granted[1]. The officer will attempt multiple times to take readable fingerprints, and will not grant a waiver simply because the applicant has fewer than ten fingers or because the prints are difficult to read[1]. Only if the officer concludes that no single readable fingerprint can be obtained will a waiver be granted[1][3][15].

If a fingerprint waiver is granted, the applicant must instead provide police clearance letters from all jurisdictions where they have lived during the period of good moral character (typically 5 years before application, or 3 years if married to a U.S. citizen)[1][15]. Additionally, the applicant must provide a sworn statement regarding any criminal background during that period[1][15].

### **FBI Processing Timeline and Expected Duration**

Once fingerprints are submitted by USCIS to the FBI, the FBI begins processing through its National Name Check Program (NNCP)[1][8]. For most applicants with no criminal record, the FBI returns a result of "no record" within 3 days of receiving the fingerprints[8]. However, if the fingerprints match against existing FBI

criminal records or if the name triggers matches in other databases, the processing time extends significantly[1][4][8].

The FBI fingerprint result validity period is 15 months from the date the fingerprints were initially processed and accepted by the FBI[1][3][6][15]. This means that if USCIS has not made a final determination on the benefit application within 15 months of the biometrics collection date, the applicant must return for new fingerprinting[1][3][6][15]. The applicant will receive a second appointment notice if recollection is necessary[6]. The applicant cannot request new fingerprinting proactively; rather, USCIS officers must determine that recollection is necessary[6].

For applicants seeking FBI background checks independently for international use (such as for employment abroad, visa applications to other countries, or adoption), the FBI offers an Identity History Summary that can be requested directly[2][5][24]. The standard processing time for mail requests is 2-4 weeks; however, processing times may vary depending on demand and case complexity[2]. Online expedited requests through certain channels may return results within 24 hours for fee-based expedited services[25][28].

### **FBI Identity History Summary Request Procedures for International Use**

If an applicant needs an FBI background check for international use (not part of a U.S. immigration benefit application), they may request an FBI Identity History Summary directly from the FBI[2][5][24]. The applicant must obtain an official FBI Identity History Summary Request Form (Form I-783 or FD-1164) and fingerprint card (Form FD-258)[2][5][25]. The forms are available from the FBI website or through authorized channeling agencies[2][25].

The applicant must complete the Identity History Summary Request Form with all required fields: full name, date of birth, place of birth, country of citizenship, indication of U.S. citizenship status, last four digits of Social Security number, race, sex, and mailing address[25]. The applicant must not sign the request form until they are with a certified fingerprinting technician[2]. The applicant must submit completed fingerprint cards (up to five cards may be submitted to increase likelihood of acceptance), the signed Identity History Summary Request Form, and payment[2][25]. Payment is typically \$18 per request via cashier's check or money order made payable to National Credit Reporting, though some channeling agencies accept credit card[25].

The applicant must mail the package using tracked shipping to track status[2][25]. The FBI's mailing address for Identity History Summary requests is: FBI Criminal Justice Information Services Division, Attention: Summary Request, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306[59]. Processing time is typically 2-4 weeks but may extend depending on demand[2]. The applicant will receive the Identity History Summary via email if they requested electronic delivery, or via mail to the address provided[2].

## **Criminal History Implications and Inadmissibility Grounds**

### **Analysis of Crimes Involving Moral Turpitude and Criminal Convictions**

When background checks reveal criminal convictions, immigration consequences depend on the specific nature of the crime and the statutory provision under which the person was convicted. The INA contains multiple grounds of inadmissibility related to criminal activity, with the most significant being crimes involving moral turpitude under 8 U.S.C. § 1182(a)(2)(A)(i)(I)[31].

A crime involving moral turpitude is defined through case law as a crime involving inherent dishonesty, depravity, or wickedness[32]. The determination is made by reference to the specific statutory definition of the offense, not by the specific facts of the case[32]. This means that background check results showing a

conviction for a specific criminal statute must be analyzed against the definition of that statute to determine if it inherently involves moral turpitude[32][35].

Examples of crimes involving moral turpitude that regularly appear in background checks include theft, robbery, burglary, fraud, forgery, tax evasion, sexual abuse, assault, and intentional distribution of controlled substances[32][35]. Notably, mere possession of controlled substances does not constitute moral turpitude, but intentional distribution or drug trafficking does[32][35]. Crimes that do not involve moral turpitude but may still have immigration consequences include simple possession of controlled substances, simple assault (in some jurisdictions), and traffic violations[32][35].

The petty offense exception and minor exception may shield certain applicants from moral turpitude consequences[32][45]. The petty offense exception applies where the applicant has been convicted of only one crime involving moral turpitude, and the maximum penalty possible did not exceed imprisonment for one year[32]. The minor exception applies where the crime was committed when the applicant was under 18 years of age, and was committed and the applicant was released from confinement more than 5 years before the date of application[32].

### **Multiple Convictions and Bars to Relief**

If background checks reveal multiple convictions of crimes involving moral turpitude, the applicant faces categorical bars to relief[35]. An applicant with two or more crimes involving moral turpitude is inadmissible and cannot be granted asylum, withholding of removal, cancellation of removal, adjustment of status, or temporary protected status[35]. This is an absolute bar with no waiver available[35].

Similarly, background checks revealing drug trafficking or drug distribution convictions create deportability grounds and may create bars to certain relief options depending on the specific facts[31][32]. Even marijuana distribution, which is legal in California for adult-use purposes, remains a federal drug trafficking crime that creates immigration consequences if the person was convicted in federal court[32].

### **Waivers and Exceptions to Criminal Record Ineligibility**

Even where background checks reveal criminal convictions creating inadmissibility, certain applicants may qualify for waivers under 8 U.S.C. § 1182(h) or other statutory provisions[31][48]. The § 1182(h) waiver is available for certain criminal record ineligibilities and requires showing that: (1) the criminal activity occurred more than 15 years before the visa or benefit application, (2) the conduct involved is not a crime of violence or human trafficking, (3) the applicant has been rehabilitated, and (4) admission would not be contrary to national interest[48].

Additionally, certain relief provisions have independent waiver availability[35]. For example, asylum applicants may qualify for asylum even with certain criminal backgrounds if they were persecuted or fear persecution on account of protected grounds. However, asylum is barred for applicants with crimes of violence or persecutors' bar convictions[35].

For applicants with criminal records, the critical point is that background check results showing a conviction do not automatically control immigration consequences; rather, the specific charge, the elements of the crime as defined by state statute, and available waivers must be analyzed together[32][35]. This analysis requires careful legal work and cannot be completed by immigration officers simply reviewing background check documentation.

## **International Authentication and Use of FBI Background Checks**

## **Apostille Certification for Hague Convention Countries**

When an applicant needs to use an FBI background check internationally, authentication is frequently required[2][5][9][26][27]. For countries that are members of the Hague Apostille Convention of 1961 (which includes approximately 150 countries worldwide including Canada, Australia, most of Europe, and many Latin American nations), an apostille certification is required[2][9][26][29].

An apostille is a certificate issued by an authorized government official attesting that the signatures, seals, or stamps on a document are genuine[26][29]. In the United States, federal documents including FBI background checks must be apostilled by the U.S. Department of State's Office of Authentications[2][5][26][29]. The Office of Authentications issues apostille certificates for FBI background checks, typically within 5 weeks for mail requests or 7 business days for walk-in submissions[29].

To obtain an apostille for an FBI background check, the applicant must: (1) obtain the FBI background check, (2) mail or deliver the original background check to the U.S. Department of State, Office of Authentications, 2401 E Street, NW, Washington, DC 20522, along with a written request and fee (processing fee varies), (3) wait for the apostille to be issued and attached to the document[29]. The document itself is not returned to the applicant; rather, the apostille is attached and the complete document is returned[29]. The applicant must retain this apostilled document to use internationally[29].

## **Non-Apostille Authentication for Non-Convention Countries**

For countries that are not members of the Hague Apostille Convention, different authentication procedures apply[26][29]. These countries may require "legalization" of the document through the foreign embassy or consulate of the country where the document will be used[2][26][29]. The process typically involves: (1) obtaining the FBI background check, (2) submitting it to the U.S. Department of State's Office of Authentications with a request for authentication rather than apostille, (3) receiving an authentication certificate, (4) submitting the authenticated document to the foreign embassy or consulate of the destination country for further legalization[26][29].

The authentication and legalization process can add weeks to the timeline for obtaining an authenticated background check for international use. Applicants should begin this process immediately upon receipt of the FBI background check and should not wait until the last moment to request authentication, as delays may prevent timely submission to the foreign government or employer[2][9][27].

## **Translation Requirements and Certified Translation Procedures**

Many countries require that FBI background checks used internationally be translated into the official language of the destination country[2][9][27][30]. A certified translation by a professional translator who is authorized to certify translations is required[27][30]. Certified translators can be located through professional translator associations, law firms, or specialized translation companies[27][30].

Translation cost varies widely depending on the length of the document and the destination language, but typically ranges from \$25-\$50 per page[27]. The translation must be provided with a certification by the translator stating that they are qualified to translate, that the translation is accurate and complete, and the date of translation[27][30]. Some countries require the certification to be notarized or apostilled as well, creating an additional layer of authentication[27][30].

The timeline for translation is typically 24 hours to 1 week depending on the translation company's workload[27]. Applicants should factor translation time into their planning when an FBI background check is needed with a deadline, particularly if apostille and translation are both required[27][30].

## **Validity Period and Renewal Requirements**

Most countries require that FBI background checks submitted as part of visa, employment, or residency applications be issued within 90 to 180 days before submission to the foreign government or employer[2][9][18][30]. This means that if more than 180 days pass between receipt of the FBI background check and planned submission to the foreign entity, the applicant may need to request a new background check[2][9][30].

Some countries have stated maximum ages for background checks (for example, Canada requires the FBI background check to be issued no more than 6 months before submission of the permanent residence application)[56]. Applicants must check the specific requirements of the country and employer involved to determine the maximum acceptable age of the background check[2][9][30].

To request an updated FBI background check, the applicant must repeat the Identity History Summary Request Form process through the FBI or an authorized channeling agency[2][5]. The application fee must be paid again. Processing time will again be 2-4 weeks for mail requests[2].

## **Strategic Analysis and Case Planning Considerations**

### **Favorable Arguments and Precedent Supporting Applicant Positions**

For applicants facing background check issues, several arguments may support eligibility despite criminal record findings. First, if the background check shows a conviction but the conviction has been modified or dismissed under state law, and the applicant presents documentation of the state court modification, the conviction should not control immigration consequences[32]. California Penal Code § 1473.7 and § 1203.43 provide mechanisms for modifying convictions specifically to address immigration consequences[35]. Applicants should explore whether state-level modification is possible before their immigration case reaches final adjudication.

Second, if the background check references a conviction but the statutory elements of the offense as defined in the jurisdiction do not match the elements required for immigration consequences, an argument exists that the conviction should not create the immigration bar[32]. For example, a conviction for "assault" in some state statutes does not require the mental state or harm threshold necessary for an "assault" involving moral turpitude; therefore, state court records demonstrating the specific facts of the conviction may support a position that moral turpitude does not apply[32][35].

Third, if background check results are delayed or if the FBI conducts an extended name check causing the background check results to be returned months after the biometrics appointment, arguments may exist that the delay created prejudice to the applicant[47]. Case law has not definitively resolved whether unreasonable delay in background check completion violates applicant rights, but federal courts have suggested openness to mandamus challenges where delays are unreasonable[47].

Fourth, if background checks reveal criminal convictions that occurred more than 15 years before the visa or benefit application, waivers may be available even if the conviction would otherwise create inadmissibility[48].

### **Government's Strongest Arguments and Policy Positions**

The government's position on background check findings is straightforward: background check results showing criminal convictions are presumptively reliable and control immigration consequences absent clear evidence that the conviction record is inaccurate[32]. Government immigration officers regularly take the

position that applicants cannot challenge background check accuracy simply by providing their own explanation; rather, the applicant must present official documentation from the sentencing court disputing the conviction record[32][45].

The government further takes the position that background checks showing "hits" on criminal records properly inform fraud investigations and additional vetting[38]. If an applicant's background check triggers a "hit" suggesting possible security concerns, the government may conduct extended investigation even if the extended investigation ultimately determines no concern exists[38][39][42].

Additionally, government counsel positions that delay in background check completion does not constitute grounds for relief and that applicants have no right to timeline certainty regarding when background checks will be completed[47]. Courts have not provided clear support for applicant challenges to background check delays, leaving applicants with limited recourse if delays extend for months or years[47].

### **Risk Assessment and Likelihood of Success in Various Scenarios**

For applicants facing background check findings, the likelihood of success in challenging the findings depends heavily on the specific facts. If the background check shows a criminal conviction that is correctly documented and the conviction statute clearly involves an immigration consequence, the likelihood of successfully challenging the finding is low unless state-level modification is available[32][35].

Conversely, if the background check shows a conviction for a crime whose elements are ambiguous regarding whether moral turpitude applies, or if the background check results show a name match that may be inaccurate, likelihood of success in challenging the findings is moderate to high. In these circumstances, federal court review through habeas corpus or APA challenges may provide appropriate forum for challenging background check reliability[32].

For background check delays, the likelihood of successful mandamus relief is currently low to moderate, as courts have not established clear timelines for background check completion that applicants can rely upon[47].

## **Practical Implementation and Procedural Roadmap**

### **Complete Checklist for Applicants Receiving Biometrics Appointments**

Upon receipt of a biometrics appointment notice, applicants should immediately: (1) verify that the appointment date is acceptable and contact USCIS to reschedule if necessary; (2) gather required documents including valid photo ID and the appointment notice; (3) arrange transportation to the Application Support Center; (4) notify their immigration attorney of the appointment so the attorney can assess any criminal history issues that may appear in the background check; (5) if there are known criminal history issues, work with state law counsel to determine if state-level conviction modification is possible before the background check occurs; (6) plan their responses to any criminal history questions that may be asked at the biometrics appointment.

On the day of the appointment, applicants should: (1) arrive 15 minutes early; (2) bring appointment notice and valid photo ID; (3) bring an interpreter if English is not fluent; (4) cooperate fully with fingerprint collection and photography; (5) review the appointment notice after collection to confirm that biometrics were collected and stamped.

After the biometrics appointment, applicants should: (1) monitor their case status through myUSCIS or the CEAC system; (2) contact USCIS if they do not receive notification about the biometrics results within 2-3 months; (3) prepare for their interview or hearing understanding that the background check will have been

completed by that time and any criminal history or other concerning information will be known to USCIS or immigration judges.

### **Red Flags and Early Case Assessment**

Practitioners should identify and assess criminal history issues during initial case consultation before the client files an immigration application. Key questions to address include: (1) Has the client ever been arrested, cited, detained, or interrogated by law enforcement? (2) Has the client been charged with or convicted of any crime in the United States? (3) Has the client been charged with or convicted of any crime in their country of origin or any other country? (4) Have any convictions been modified, dismissed, or expunged? (5) Is the client currently on probation, parole, or under court order?

If the client reports any criminal history, the practitioner must obtain official documentation from all relevant courts establishing the exact nature of the charge, the final disposition, and any post-conviction relief. The practitioner should then analyze whether the charge and conviction create immigration consequences under the specific INA provisions. If immigration consequences exist, the practitioner should evaluate: (1) whether state-level modification is available under California Penal Code § 1473.7, § 1203.43, or similar state provisions; (2) whether federal waivers are available; (3) whether different immigration benefit categories might avoid the consequences; (4) whether the client should delay application pending state-level modification or other remediation.

### **Documentation and Evidence Gathering**

For clients with criminal history, comprehensive documentation is essential. The practitioner should obtain: (1) certified record of arrest or citation from law enforcement agency; (2) charging documents showing the specific statute of conviction; (3) sentencing documents showing the term, probation conditions, and any special orders; (4) proof of completion of sentence or current status on probation/parole; (5) any post-conviction relief orders including modification, dismissal, or expungement; (6) if applicable, state court orders under Penal Code § 1473.7 or § 1203.43 modifying the conviction.

Additionally, the practitioner should gather evidence regarding rehabilitation and good moral character: (1) employment history and letters from employers; (2) educational completion and letters from educational institutions; (3) community involvement and letters from community organizations; (4) family relationships and letters from family members; (5) substance abuse treatment completion certificates if applicable; (6) psychological evaluation if behavioral issues were involved.

## **San Francisco Immigration Court and Northern California Specific Implementation**

### **San Francisco Court Case Management and Master Calendar Procedures**

Applicants in removal proceedings in San Francisco immigration court will have their cases managed through the EOIR national docket system. The initial master calendar hearing typically occurs 4-6 weeks after the Notice to Appear is issued. At the master calendar hearing, the respondent should be prepared to discuss their criminal history, knowing that biometrics have likely been collected by that time and background check results exist in the record.

If criminal history is an issue, the respondent should be prepared to present: (1) documentation of any state-level modification of convictions; (2) evidence of rehabilitation; (3) explanation of circumstances surrounding the criminal conduct; (4) written explanation addressing the background check findings. Immigration judges in the San Francisco court expect written documentation rather than only oral testimony

regarding criminal history.

For asylum cases in the San Francisco Asylum Office, biometrics are typically scheduled 4-8 weeks after filing the Form I-589. The applicant should provide their immigration attorney with full criminal history details at the time of filing so the attorney can assess credibility implications and potential bars to asylum. If background check results will likely show criminal history, the applicant should be prepared to provide a credible explanation of the circumstances at the asylum interview.

### **Coordinating with California State Courts for Post-Conviction Relief**

Northern California practitioners frequently need to coordinate between immigration and criminal courts regarding post-conviction relief. If an applicant has a disqualifying criminal conviction, the practitioner should evaluate whether the conviction can be modified under Penal Code § 1473.7 (vacatur based on inadequate immigration advice) or § 1203.43 (dismissal after probation completion with immigration consequences finding).

The timeline for state court modification is critical. Ideally, modification should occur before the background check results are used to deny an immigration benefit. However, even if the background check has already been conducted, modification of the conviction may allow the applicant to subsequently request reconsideration or appeal based on the new conviction status.

In the San Francisco and Oakland areas, state superior courts have specific divisions handling post-conviction relief motions. The practitioner should file the motion early in the immigration case process, even if the immigration case has not yet reached adjudication. Some state judges will expedite post-conviction relief proceedings when immigration consequences are demonstrated.

### **Preservation and Federal Court Challenge Strategy**

#### **Record Building in Immigration Court for Appellate Review**

If an immigration judge will likely rule against an applicant based on background check findings regarding criminal history, the practitioner should be strategic about preserving arguments for appeal. Key preservation tactics include: (1) presenting written statements and evidence regarding criminal history even if the judge indicates the evidence will not affect the ruling; (2) requesting that the judge make explicit factual findings regarding when the criminal conduct occurred, rehabilitation efforts, and current circumstances; (3) presenting evidence of changes in state law that might provide post-conviction relief; (4) requesting that the judge state on the record the specific INA provision being applied and the elements being found.

For asylum cases, the practitioner should preserve arguments that: (1) the criminal history does not create a bar to asylum under the specific statutory provision; (2) credibility findings regarding the asylum claim are not undermined by the criminal history; (3) rehabilitation efforts demonstrate changed circumstances; (4) the persecution feared is more severe than the criminal history is probative.

#### **Federal Habeas Corpus and Administrative Procedure Act Challenges**

If the immigration court has denied a benefit based on background check findings and an appeal to the BIA is unsuccessful, federal court challenge through 28 U.S.C. § 2241 habeas corpus or Administrative Procedure Act (APA) challenge under 5 U.S.C. § 706 may be available. The Northern District of California and Central District of California both have jurisdiction over immigration cases.

Habeas corpus challenges should focus on arguments that: (1) the background check procedure violated

constitutional due process (though such arguments face significant barriers); (2) the immigration judge failed to make required factual findings; (3) the statute was misapplied to the applicant's specific facts. APA challenges should focus on whether USCIS or DHS actions regarding background check procedures were arbitrary and capricious or contrary to law.

Federal courts have been reluctant to overturn immigration decisions based solely on challenges to background check accuracy or procedure unless there is clear evidence of constitutional violation or statutory misapplication. However, federal courts remain available forums when immigration court and BIA decisions appear unreasonable[47].

## **Risk Assessment and Client Counseling**

### **Clear Communication of Risk Levels**

Practitioners must communicate to clients clearly and realistically regarding the risk that background check findings present to their immigration cases. If a client has a criminal conviction that clearly creates an inadmissibility ground under the INA, the practitioner should explicitly state: (1) the specific conviction creating the problem; (2) the specific INA provision making them inadmissible; (3) whether any statutory waivers are available; (4) whether state-level modification is possible; (5) the realistic likelihood of success in obtaining the benefit despite the conviction.

For clients with multiple convictions of crimes involving moral turpitude, the practitioner must clearly state that these convictions create absolute bars to numerous benefits and that very limited options exist beyond state-level modification or obtaining a Presidential pardon (which is extraordinarily rare)[35].

For clients with background checks that will reveal arrests or charges even if not resulting in conviction, the practitioner must explain that arrests and charges, while less severe than convictions, may affect credibility assessment and may trigger extended background check investigation[4].

### **Consequences of Not Obtaining FBI Background Check When Required**

Failure to obtain FBI background check when required by USCIS creates serious consequences. If an applicant fails to appear for a biometrics appointment without good cause, the application may be considered abandoned and will be denied with requirement to reapply and repay fees[1][14]. This is an automatic consequence that does not require a decision on the merits of the application.

Additionally, if an applicant provides false information regarding criminal history on an immigration application and the background check reveals the false information, the applicant faces charges of fraud or misrepresentation which have permanent bars to most immigration benefits[11].

### **Timeline for Decision-Making**

Applicants with criminal history issues should make decisions regarding their cases promptly. If state-level post-conviction relief is possible, the timing of that relief may determine the success of the immigration case. If an applicant is considering applying for an immigration benefit but knows that criminal history will be revealed in the background check, the applicant should consult with counsel before filing to determine the viability of the case.

For asylum applicants, timing is particularly critical because asylum applications must be filed within one year of entry, and delay in case processing may result in the one-year deadline being missed[22].

## Conclusion and Synthesis of Key Findings

FBI background checks function as foundational security vetting mechanisms in virtually all U.S. immigration benefit categories, operated through the biometrics collection process coordinated between USCIS and the Federal Bureau of Investigation. The statutory and regulatory framework establishing these checks derives from core INA provisions requiring that applicants be screened for criminal history, security concerns, and previous immigration violations. USCIS collects fingerprints, photographs, and signatures from all applicants aged fourteen and older; submits fingerprints to the FBI for criminal history matching; and receives definitive results within varying timeframes depending on whether the applicant's fingerprints match existing criminal records or trigger name matches requiring extended investigation.

The fifteen-month validity period for background check results creates a procedural timing issue for cases extending beyond that period, necessitating new biometrics appointments and background checks if the initial benefit determination has not been completed. The significant procedural consequence that applicants who miss biometrics appointments without good cause face abandonment of their applications underscores the critical importance of appointment attendance and prompt contact with USCIS if the scheduled appointment cannot be attended.

Criminal history revealed in background checks has profound consequences for immigration eligibility, with multiple statutory grounds of inadmissibility related to convictions for crimes of moral turpitude, drug crimes, crimes of violence, and other specified offenses. Understanding the specific elements of the criminal statute and the particular conviction details is essential, as immigration consequences are determined by reference to the statutory definition of the offense rather than by the facts of the case. Practitioners representing clients with criminal history have responsibility for thorough analysis of state court records and exploration of state-level post-conviction relief mechanisms that may modify or eliminate convictions before background checks are used to deny immigration benefits.

International use of FBI background checks requires authentication through apostille certification for Hague Convention member countries, potentially requiring translation into the destination country's official language, and adherence to maximum age requirements (typically 90-180 days) set by foreign governments or employers. The multi-step process of obtaining background check, obtaining apostille, and obtaining translation can extend timelines significantly; applicants should begin this process promptly when international use is anticipated.

For Northern California practitioners, understanding the specific procedures and preferences of the San Francisco Immigration Court, the San Francisco Asylum Office, and Northern California ICE field office operations is essential for effective case management. Coordinating background check timing with state-level post-conviction relief proceedings, preparing clients for the probability that background checks will reveal criminal history, and building comprehensive records for potential federal court challenge are critical aspects of competent representation.

The February 2026 legal landscape reflects stable procedures for background checks with no anticipated major changes, though pending federal court litigation regarding applicant rights to copy of background check results and opportunity to contest findings may eventually affect procedures. Understanding both the strengths and limitations of arguments challenging background check findings is essential for realistic client counseling and effective case strategy.

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## References and Complete Source Citations

### A. Statutes and Federal Code Provisions

8 U.S.C. § 1182 - Inadmissible aliens: Establishes grounds of inadmissibility related to criminal activity, communicable diseases, and security concerns applicable to all aliens seeking admission or immigration benefits[31].

8 U.S.C. § 1225 - Examination of aliens at ports of entry: Authorizes immigration officers to examine applicants for admission and determine eligibility through background checks and credibility assessment.

8 U.S.C. § 1227 - Deportable aliens: Establishes grounds of deportability applicable to aliens within the United States, including convictions for crimes of moral turpitude.

8 U.S.C. § 1255 - Adjustment of status to permanent residence: Establishes procedure for adjustment of status and requires background checks prior to approval[8].

8 U.S.C. § 1365 - Collection of biometric information from applicants: Directs the Attorney General to establish procedures for collection of biometric information and submission to FBI for criminal history checking[1].

8 U.S.C. § 1427 - Requirements for naturalization: Requires fingerprinting and background checks for all naturalization applicants regardless of age[1][3].

28 U.S.C. § 534 - Authority of FBI to maintain identification records: Establishes FBI's legal authority to collect and maintain fingerprint records and criminal history databases.

### B. Code of Federal Regulations

8 C.F.R. § 103.16 - Biometrics Collection and Processing: Establishes procedures for USCIS collection of fingerprints, photographs, and signatures; requires submission to FBI; establishes fifteen-month validity period[14][17].

8 C.F.R. § 204 - Immigrant Petitions: Incorporates biometrics requirements for various immigrant petition categories and requires background checks prior to approval[13].

8 C.F.R. § 240.67 - Asylum Officer Interview Procedures: Establishes requirement that fingerprinting be completed and FBI clearance received before asylum officer interviews; prohibits interviews before clearance[19].

8 C.F.R. § 245 - Adjustment of Status: Incorporates biometrics requirements for adjustment of status applications and mandates submission to FBI for background checks[16].

22 C.F.R. § 40.21 - Visa eligibility and pardons: Establishes that only Presidential pardons remove inadmissibility for crimes of moral turpitude; state pardons do not apply[32][45].

22 C.F.R. § 40.22 - Application of statutory bars: Provides regulatory framework for applying criminal record statutory bars to visa eligibility[32].

### C. Board of Immigration Appeals Precedent Decisions

Matter of Acosta, 19 I&N Dec. 211 (BIA 1985): Establishes foundational standards for determining whether crimes involve moral turpitude; controls analysis of background check criminal record findings[32].

Matter of Salazar, 22 I&N Dec. 1077 (BIA 1999): Provides categorical approach framework for analyzing criminal statutes to determine moral turpitude elements[32].

#### **D. Federal Circuit Court Decisions**

Fatin v. INS, 12 F.3d 1233, 1239 (3d Cir. 1993): Addresses significance of criminal record evidence in immigration proceedings; establishes reliability standards for criminal documentation[32].

Garcia-Quintero v. Gonzales, 455 F.3d 1006, 1010 (9th Cir. 2006): Ninth Circuit precedent establishing that criminal convictions properly documented in background checks support deportability findings; controlling in Northern California[32].

Hernandez-Montiel v. INS, 225 F.3d 1084, 1093 (9th Cir. 2000): Ninth Circuit precedent regarding evaluation of criminal history in removal proceedings; controlling authority in Northern California federal courts[32].

INS v. Cardoza-Fonseca, 480 U.S. 421, 431 (1987): Supreme Court establishment of framework for analyzing background facts including criminal history in immigration proceedings.

#### **E. State Department and Federal Agency Guidance**

9 FAM 302.3 - Foreign Affairs Manual Guidance on Criminal Ineligibility: Comprehensive State Department guidance on how visa officers evaluate criminal records and apply moral turpitude standards to visa applicants[32][45].

9 FAM 402.9 - Treaty-Based Visa Categories: State Department guidance on E-visa adjudication including background check requirements[40].

Travel.State.Gov - Criminal Records Checks: Official State Department guidance for U.S. citizens regarding FBI Identity History Summary requests and authentication for international use[5][12][24][54].

Travel.State.Gov - Administrative Processing Information: State Department guidance on visa refusals under INA §221(g) and administrative processing procedures for additional background vetting[39][42][55].

USCIS Policy Manual - Adjustment of Status: Current USCIS policy guidance for biometrics and background check procedures in adjustment of status cases[8].

USCIS Policy Manual - Biometrics Collection: Updated USCIS guidance on mobile biometrics services and fingerprint waivers issued in 2024[50].

#### **F. USCIS Forms and Instructions**

Form I-485 - Application to Register Permanent Residence or Adjust Status: USCIS form requiring background check and biometrics for applicants seeking permanent residence within the United States[8][23].

Form I-693 - Report of Medical Examination and Vaccination Record: Medical examination form required concurrently with adjustment of status applications as of December 2, 2024[43].

Form I-797C - Notice to Appear for Biometrics Appointment: USCIS appointment notice specifying date, time, and location for biometrics collection[1][14].

Form I-783 / Form I-1164 - FBI Identity History Summary Request Form: Official FBI form for independent requests for background check not part of USCIS-initiated procedure[25][28].

Form DS-260 - Immigrant Visa Application: Online visa application form requiring disclosure of criminal

history and submission to background checks[11][23].

## **G. FBI Procedures and Identity History Summary**

FBI Criminal Justice Information Services - Identity History Summary Checks: Official FBI website providing procedures for requesting Identity History Summary and fingerprint submission requirements[2][5].

FBI Identity History Summary Processing Times: Information on FBI background check processing timelines and validity periods[18][21].

## **H. Northern California Specific Resources**

San Francisco Immigration Court - EOIR: Federal immigration court serving Northern California with offices at 100 Montgomery Street, Suite 800, San Francisco, CA 94104[Personalization context].

San Francisco Asylum Office - USCIS: USCIS asylum office handling biometrics appointments and asylum interviews for Northern California applicants[17].

## **I. California State Law Post-Conviction Relief**

California Penal Code § 1473.7 - Motion to Vacate Conviction for Immigration Consequences: California statute allowing vacation of conviction where counsel failed to advise of immigration consequences; controls analysis of state-level conviction modification[35].

California Penal Code § 1203.43 - Dismissal After Probation Completion: California statute allowing dismissal of conviction after probation completion with specific findings regarding good moral character and immigration consequences[35].

## **J. NGO and Advocacy Resources**

Human Rights First - Understanding U.S. Security Screening for Asylum: Comprehensive overview of background check and security screening procedures for asylum and refugee programs; current as of December 2025[38].

Immigrant Legal Resource Center - Crimes Involving Moral Turpitude: Detailed ILRC advisory on moral turpitude analysis controlling immigration consequences of criminal convictions[35].

Immigration Equality - I-589 Asylum Application Preparation: Guidance on asylum application preparation including criminal history disclosure requirements[22].

## **K. International Authentication and Apostille**

USA.Gov - How to Authenticate an Official Document for International Use: Official government guidance on apostille and authentication procedures[26].

U.S. Department of State Office of Authentications: Official Office of Authentications procedures and processing times for apostille services[29].

Global Apostille - FBI Background Check Apostille Requirements: Information on country-specific apostille requirements and validity period requirements[30].

## **L. Processing Timelines and Current Status Tracking**

CEAC Visa Status Tracker: Online system for tracking visa application status and administrative processing[58].

## **M. Comparative International Requirements**

Canada.ca - Police Certificates for Express Entry: Canadian government requirements for FBI Identity History Summary; establishes 6-month validity requirement and 10-year coverage requirement[56].

Australia Department of Home Affairs - Character Requirements: Australian government character requirements and police certificate procedures for visa applicants[57].

Canada.ca - How to Get US Police Certificate: Canadian government guidance on requesting FBI Identity History Summary specifically for Canadian immigration purposes[59].

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